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SUBJECT: SENEGAL: CONTROVERSY OVER GAY MARRIAGE

¶1. (SBU) Summary: On February 1, a small-circulation magazine called "ICONE" published pictures of a 2006 homosexual marriage uniting a Senegalese male and a Ghanaian male. As a result, the National Police detained and interrogated five homosexuals identified in the pictures and subsequently released them after four days in custody without being charged. In reaction to this release, two Islamist organizations have launched an anti-gay campaign to criticize what they perceive to be Senegal's overly permissive society and the attempt by proponents of western modernity to undermine Islamic mores. END SUMMARY.

Police arrest homosexuals

¶2. (SBU) Mansour Dieng, editor of "Icône" magazine, said that he had published the pictures of the gay marriage to alert authorities of the spread of homosexuality in Senegal. Police arrested a homosexual named Pape Mbaye and four other homosexuals formally identified on the pictures. A Ghanaian homosexual named Jonas has allegedly fled to avoid being arrested. Though all those who were detained have been released, there is no indication that the case has been dropped by the prosecutor. It is believed that Ministry of Interior officials hesitated to bring charges because Mbaye and his associates threatened to "out" all homosexuals they know in government and judicial circles.

Human Rights Organizations protest

¶3. (SBU) The Minister of Justice was pressured by the International Gay and Lesbian Human Rights Commission (IGLHRC) to release the detainees. Strong pressure also came from local human rights NGOs, especially Raddho (African Rally for Human Rights), whose leader Alioune Tine condemned the detention as contrary to Senegal's Constitution that guarantees individual freedom and the UN Covenant on Civil and Political Rights ratified by Senegal in 1981. A coalition of NGOs also issued a statement demanding that the government decriminalize homosexuality - the document was signed by Raddho, the local chapter of Amnesty International, the National Human Rights Organization (ONDH) and the International Federation for Human Rights (FDIH). They all called for the abrogation of Article 319 of Senegal's Penal Code, which "condemns whoever commits indecent or unnatural acts with an individual of the same sex to one to five years of imprisonment and payment of a fine of 100,000 to 1.5 million CFA" (200 to 3,000 US dollars).

Islamic Reformists lead the charge

¶4. (SBU) Two organizations are leading the charge against gays - JAMRA, an Islamic NGO, and MRDS (Movement for Reform and Social Development), a political party led by Imam Mbaye Niang, Deputy at the National Assembly. The Vice President of JAMRA, Imam Massamba Diop, invited all Imams to condemn homosexuality in their February 8 sermons. His call was answered and one imam went as far as

recommending stoning homosexuals. Deputy Niang led debates in the media, and intends to convene a National Assembly session to force the government to explain why they granted immunity to the homosexuals by refusing to prosecute them. He also visited the Caliph-General of the Mouride Brotherhood to seek his support in his anti-gay campaign. Both JAMRA and MRDS are very small organizations seeking to use this opportunity to appeal to people's religious values to increase their political support.

15. (SBU) On Friday February 15, after the noon prayer at the Grand Mosque of Dakar, Imam Mbaye Niang led a crowd of about five hundred people gathered inside the Mosque to prepare for a demonstration. The chanted "Alahou Akbar" (God is great) and "Allahou Wahidoun" (God is Unique) and carried banners saying "End Moral Degeneration." Riot police closed all the streets around the mosque and tried to corral the demonstrators inside the compound of the Grand Mosque. When demonstrators started to throw rocks at them, the police responded with tear gas. When the rock-throwing then escalated, police officers entered the mosque compound, chased the demonstrators, and used batons to beat some of them. A total of 28 people were arrested and later released. Additional demonstrators dispersed around the Mosque and attacked government-owned buses with stones. Opposition parties and many ordinary people condemned the police action inside a religious shrine. National Assembly deputy and Imam Niang has indicated that he will continue his campaign to pressure the government, by introducing in parliament a bill to increase sentences for homosexuality. In a press conference held on February 15, Niang expressed regret that the government provides medical care and products that facilitate the practice of homosexuality in Senegal.

Comment

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16. (SBU) Senegal is a generally tolerant society with a moderate form of Islam. But it is clear that Senegalese society is undergoing fast urban transformation and is being torn between the model of an open Western democratic system and a traditional Islamic social order that idealizes the past. The country's small minority of Islamist fundamentalists see this as an opportunity to revitalize their brand of political Islam. Their current homophobic campaign and their successful opposition to changes to Senegal's adoption law in 2007 are partly possible because of the election of one of their leaders, Imam Mbaye Niang, to the National Assembly. While the traditional religious brotherhoods, the Mourides and the Tijanes, were not part of the demonstration and have not expressed a will to confront homosexuals, their restraint and the determination of Islamic fundamentalists such as Imam Niang, who are pushing for a moral renaissance, could result in mob justice whereby some individuals, with the tacit approval of many in society at large, will take matters into their own hands.

SMITH